

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) CASE NUMBER 2:07cv694-MEF
)
ONE PARCEL OF PROPERTY)
LOCATED AT 867 COUNTY ROAD)
227, CLANTON, CHILTON)
COUNTY, ALABAMA, WITH ALL)
APPURTENANCES AND)
IMPROVEMENTS THEREON,)
)
 Defendant.)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) CASE NUMBER 2:07cv1104-MEF
)
EIGHTEEN THOUSAND FOUR)
HUNDRED (\$18,400) DOLLARS)
IN UNITED STATES CURRENCY,)
)
 Defendant.)

REPORT OF PARTIES' PLANNING MEETING

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and Tommie Brown Hardwick, Assistant United States Attorney, and states as follows:

1. Pursuant to this Court's Order of February 19, 2008, a meeting was held by telephone between Tommie Brown Hardwick (for

the United States), and David B. Karn (for Claimants Royce A. Williams and Mara Williams).

2. Rule 26(a)(1)(E) of the Federal Rules of Civil Procedure (FRCP), amended December 1, 2006, exempted forfeiture actions "*in rem* arising from a federal statute" from certain portions of said Rule. See FRCP 26(a)(1)(E)(ii). This exemption applies to initial disclosures under FRCP 26(a)(1). The instant proceeding is a forfeiture action *in rem* arising from a federal statute.

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- a) Circumstances surrounding the alleged use and involvement of the Defendant property in violations of 21 U.S.C. § 801 et seq.;
- b) The claims and defenses raised by the parties in their pleadings;
- c) All discovery commenced in sufficient time to be completed by June 20, 2008;
- d) Maximum of 25 interrogatories by each party to any other party;
- e) Maximum of 30 requests for production by each party to any other party;
- f) Maximum of 15 requests for admissions by each party to any other party;
- g) Maximum of six depositions for each party;
- h) Each deposition is limited to maximum of seven hours, unless extended by agreement of the parties;
- i) Reports from retained experts under Rule 26(a)(2) are due:

From Plaintiff by May 23, 2008;

From Claimant by June 20, 2008.

4. Other Items.

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties request a pretrial conference on October 10, 2008.

The parties should be allowed until April 18, 2008, to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by July 31, 2008.

Settlement cannot be evaluated prior to receipt of discovery and/or filing of dispositive motions and responses thereto.

Final lists of witnesses under Rule 26(a)(3) shall be due from the parties on September 12, 2008. Final lists of exhibits under Rule 26(a)(3) shall be due September 25, 2008.

Parties shall have until seven days before trial, or November 3, 2008, to file objections to the witnesses or exhibits under Rule 26(a)(3).

The case should be ready for trial by November 10, 2008, and at this time is expected to take approximately two days to try.

Respectfully submitted this 20th day of March, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney
Bar Number: ASB4152 W86T
131 Clayton Street
Montgomery, Alabama 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: tommie.hardwick@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: David B. Karn.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney